

REMARKS

Claims 1-11, 39, 40, 42, 86, 87, 118, 148, 181 and 212 are pending in the application. Claims 237-263 have been added. Accordingly, claims 1-11, 39, 40, 42, 86, 87, 118, 148, 181, 212 and 237-263 will be pending in the application upon entry of the amendments presented herein.

Claims 237-263 have been added and correspond to claims 12- 38 of the application as originally filed. Support for the claim additions can be found throughout the specification and claims as originally filed. No new matter has been added.

ELECTION/RESTRICTIONS

The Examiner alleges that the claims lack unity of invention because claim 1 is allegedly either obvious or anticipated over U.S. Patent 4,469,597 to Mott in view of U.S. Patent 6,080,219 to Jha. Therefore, in accordance with 35 U.S.C. §121, the Examiner requires restriction to and election of one of the following allegedly patentably distinct inventions:

- Group I, claims 1-11, 39 and 40, drawn to a frit;
- Group II, claims 42 and 43, drawn to a column;
- Group III, claims 87 and 118, drawn to a method of making a frit;
- Group IV, claim 148 drawn to a system;
- Group V, claim 181, drawn to a method of separating; and
- Group VI, claim 212, drawn to a kit.

The Examiner also alleges that the claims are generic to a plurality of patentably distinct species and requires the following species elections:

- I. A porous support structure made of a material selected from stainless steel, titanium, PEEK, polyethylene, glass or silica; and
- II. The void spaces of the porous support structure are completely filled or partially filling the void spaces.

Applicants provisionally elect, subject to the following traverse, Group I, claims 1-11, 39 and 40, drawn to a frit. With regard to the species election, Applicants further elect a porous support structure made of stainless steel wherein the void spaces of the porous support structure are partially filled. Claims 1-11, 39, 40 and 237-263 read on the elected invention and claims 2, 10, 11, 237, 239, 240, 245 and 246 read on the elected species.

Applicants note that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species that depend from or otherwise require all the limitations of an allowable generic claim as provided by 35 C.F.R. §1.141.

Applicants further note that because a composition of matter has been elected, Applicants will be entitled to rejoinder of method claims that are commensurate in scope with allowed composition of matter claims.

Applicants respectfully traverse the requirement for restriction and election and submit that the requirement is improper.

First, Applicants assert that the various claims represent different embodiments of a single inventive concept for which a single patent should issue. The pending claims represent an intricate web of knowledge, continuity of effort, and consequences of a single invention, which merit examination of all of the species in a single application.

More particularly, a single, searchable, unifying aspect links all of the claims. This single, searchable, unifying aspect is a frit comprising a porous support structure having a plurality of void spaces; and a plurality of secondary particles, wherein the void spaces are filled with the plurality of secondary particles such that the frit has a density of at least 50%, and wherein the secondary particles are dimensioned with respect to the void spaces for the frit to retain packing materials with diameters of less than about 2.5 microns.

Applicants submit that neither Mott nor Jha teaches or suggests a frit having a plurality of void spaces filled with secondary particles dimensioned such that the frit has a ***density of at least 50% and*** retains packing materials with ***diameters of less than about 2.5 microns***.

Second, Applicants submit that a sufficient search and examination with respect to all the claims can be made without serious burden. As MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

That is, even if the claims are patentably distinct, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all the claims will have substantial overlap, and no serious burden will result from searching and examining all claims in the same application. This is especially true given the robust and extensive computerized search engines and databases at the Examiner's disposal.

Accordingly, in the interests of efficiency and cost savings to Applicants and the Patent Office, Applicants respectfully request that claims be rejoined and examined in the same application.

In the event the Examiner is not inclined to rejoin all Groups of claims, Applicants invite the Examiner's attention to 37 C.F.R. §1.475(b)(3), which provides that a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to a product (Group I), a process especially adapted for the manufacture of the product (Group III) and a use of the product (Group V). Accordingly, Applicants respectfully request that, at a minimum, the method claims of Groups III and V be rejoined with Group I.

If a telephone call with Applicants' representative would be helpful to resolve any issues regarding the restriction requirement and/or to otherwise expedite prosecution of the application, Applicants invite the Examiner to contact the undersigned at the telephone number shown below.

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Respectfully submitted,

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